

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Thirteenth Judicial District Court, County of Yellowstone

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-13-889
-vs-)	
)	DECISION
MAHPEVANAHA LORNE)	
BEARCOMESOUT,)	
)	
Defendant.)	

On October 30, 2014, the District Court sentenced the Defendant to a commitment to the Montana State Prison for forty (40) years with five (5) years suspended for the offense of Count I: Deliberate Homicide, a felony, in violation of §45-18-201, MCA, followed by five (5) years to run consecutive, for the use of a weapon pursuant to §46-18-221, MCA, which shall run consecutive to the sentence imposed in criminal cause DC-13-0360. In addition, pursuant to §46-18-202, MCA, the Court ordered that the Defendant shall not be eligible for parole until he is fifty (50) years old, which will occur on July 9, 2028. The total net sentence consisted of forty five (45) years, with five (5) years suspended, with a parole restriction of fourteen (14) years, eight (8) months, and nineteen (19) days. The parole restriction was imposed to protect society and appropriately punish the Defendant for the violent offense committed and the harm caused, based on his age at the time of the offense while terminating the State's supervision of the Defendant when he reaches the age of 80. The Court granted the Defendant credit for time spent in pre-trial incarceration from October 21, 2013 to October 30, 2014. The Court ordered the Defendant to pay restitution in the total amount of one thousand seven hundred eighty dollars (\$1,780.00).

On February 2, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant appeared by Vision Net from the Crossroads Correctional Center and was represented by Brent Getty of the Office of the State Public Defender. The State was represented by Yellowstone County Deputy Attorney Christopher Morris.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

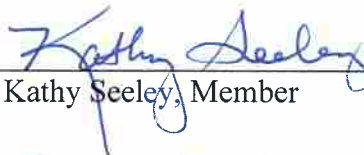
Done in open Court this 2nd day of February, 2017.

DATED this 8 day of March, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



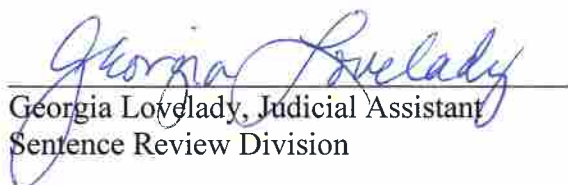
Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 9th day
of March, 2017, to:

Clerk of District Court (Original)
Mahpevanahane Lorne Bearcomesout #3015009, Defendant (2)
Hon. Rod Souza
Brent Getty, Defense Counsel
Victoria White Callender, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division